

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

| | | |
|-------------|---|------------------|
| _____ | * | |
| Complainant | * | |
| | * | |
| | * | Chancery # _____ |
| | * | |
| _____ | * | |
| Defendant | * | |

PENDENTE LITE ORDER

THIS CAUSE came on to be heard upon pending motions for pendente lite relief, the complainant appeared ____ in person ____ by counsel, the defendant appearing ____ in person ____ by counsel OR ____ the defendant not appearing after having been duly notified, ____ upon consent of the parties, ____ upon a hearing based on the evidence.

NOTICES AND INFORMATION:

Pursuant to §29-60.3, Code of Virginia, the parties are hereby notified of the following provisions of Virginia law and the parties hereby represent to this court that the information provided below is true information:

1. Support payments must be withheld as they become due pursuant to §20-79.1 or §20-79.2 from earnings as defined in §63.1-250, without further amendments of this Order or having to file an application for services with the Department of Social Services.
2. Support payments may be withheld pursuant to Chapter 13 (§63.1-249, et seq.) Of Title 63.1 without further amendments to the order upon application for services with the Department of Social Services.
1. A duty of support is owed for the following children of the parties:

| <u>Name</u> | <u>Date of Birth</u> | <u>Resides With</u> |
|-------------|----------------------|---------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

2. The following is true information regarding each parent of the child or children subject of this Order:

Complainant _____
DOB _____
Address _____

Home Tel. # _____
SSN/OP LIC _____
Employer _____
Address _____
Bus. Tel. # _____

Defendant _____
DOB _____
Address _____

Home Tel. # _____
SSN/OP LIC _____
Employer _____
Address _____
Bus. Tel. # _____

3. A petition may be filed for the suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth of Virginia to a person responsible for support as provided in §63.1-263.1, upon a delinquency for a period of ninety days or more or in an amount of \$5,000 or more.

(i) _____ presently holds a _____
(license/certificate/registration) issued by Virginia to engage in the profession,
trade, business or occupation of _____
_____ .

(ii) _____ presently holds a _____
(license/certificate/registration) issued by Virginia to engage in the profession,
trade, business or occupation of _____
_____ .

OR [] Neither party holds any such license, certificate, registration or authorization.

6. The Order of this Court as to the amount and terms of the child support and spousal support are set forth in the support provisions of this Order.
7. ☐ This order does not contain any provision for health care coverage for dependent children.

☐ No provision is made for health care coverage for a spouse or former spouse.

☐ The orders of this court as to health care coverage for children, spouse or former spouse and any policy information are set forth in the health care provision of this order.

8. The order of this court as to the amount and terms of any arrearages in support are set forth in the arrearage provision of this order.
- 9.&10. If support provided in this order becomes payable through the Department of Social Services (DSS), the parties shall give each other and DSS at least thirty days' advance written notice, in advance, of any change of address and any change in telephone number of his current employer, and in addition, the delinquent obligor shall inform DSS of the name, address and telephone number of his/her current employer.
11. The separate amounts due to each person under this order for child support, for spousal support or for a unitary award, or the affirmation of a separation agreement, are set forth in the support provision of this order.
12. In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.
13. The Department of Social Services may, pursuant to Chapter 13 (§63.1-249, et seq.) of Title 63.1 and in accordance with §20-108.2 and §63.1-252.2, initiate a review of the amount of support ordered by any court.

WHEREUPON, the court having considered the statutory factors set forth in the Code of Virginia, and having considered all testimony and evidence submitted by the parties and the argument of counsel, it is

ADJUDGED, ORDERED and DECREED as follows:

6. **CUSTODY AND VISITATION:**

Either party who intends to relocate his or her residence shall give a thirty-day advance written notice of any such intended relocation of any intended change of address, said notice being given to both the other party and to this court.

7. SUPPORT

A. **Child Support:** _____ shall pay to _____ as child support, the sum of \$_____ per _____, beginning _____, 20____ and to be paid _____ until further order of this court.

This support shall continue to be paid for a child who is: (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of nineteen or graduates from high school, whichever comes first.

The child support set forth herein was determined by:

☐ The agreement of the parties OR

The court, pursuant to:

☐ The presumptive amount as set forth in the statutory guideline OR

☐ As a deviation from the presumptive amount of the statutory guideline, considering the reasons set forth in the written findings attached hereto and incorporated herein by reference.

☐ B. **Spousal Support:** _____ shall pay to _____ as spousal support, the sum of \$_____ per _____, beginning _____, 20____ and to be paid _____ thereafter until the death of either party, the remarriage of the recipient party or further order of this court.

☐ C. **Unitary Support:** _____ shall pay to _____ as a combined unitary support for the spouse and minor child/children of the parties, the sum of \$_____ per _____, beginning _____, 20____ and to be paid _____ thereafter until _____ or until further order of this court.

☐ D. An award of spousal support is reserved.

☐ **E. Payroll Withholding Order:**

☐ Pursuant to §20-79.2, the ☐ child; ☐ spousal; ☐ unitary support set forth above shall be payable by the Payroll Withholding Order entered contemporaneously herewith, and incorporated herein, directing that the payment of support shall be withheld from the wages of the _____ and said payments shall be forwarded by the employer to:

☐ The Department of Social Services OR

☐ Directly to the _____

OR

☐ For good cause shown to this court, the payments of child support pursuant to this order shall be paid directly by the _____ to the _____ and shall not be subject to a Payroll Withholding Order.

OR

☐ The parties agree that the payments of the above support shall be made by the _____ directly to the _____ and shall not by a Payroll Withholding Order.

6. HEALTH CARE COVERAGE:

A. For Children:

☐ _____ shall provide health care insurance coverage for children who are subject of this Order; OR

☐ According to the evidence submitted, or as provided by the agreement of the parties, health insurance is not available at reasonable cost as defined in §63.1-250 and is not required for the children who are subject to this Order.

B. For Spouse or Former Spouse:

☐ _____ shall provide health care insurance coverage for the spouse or former spouse, _____; OR

☐ Health insurance is not required by this Order for a spouse or former spouse.

4. **ARREARAGES:**

☐ _____ is in arrears in support as of _____, 20____ in the amount of \$_____. Said arrearage is owed to _____ for the period from _____ to _____ and shall be repaid at the rate of \$_____ per _____ in addition to the regular support as set forth above. Arrearages shall accrue interest as the Judgment Rate per annum on the unpaid balance from the date each payment of support was first due until paid in full. The parties are directed that payments of support shall be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages. OR

☐ No support arrearages exist as of the date of this Order.

5. **MARITAL RESIDENCE AND MORTGAGE PAYMENT:**

☐ A. _____ is hereby awarded exclusive use and possession of the marital residence at _____.

☐ B. _____ shall pay the mortgage payment (including taxes and insurance) until further order of this Court.

6. **PRELIMINARY COUNSEL FEES AND COSTS:**

☐ A. _____ shall pay to _____ as preliminary counsel fees and costs, the sum of \$_____ to be paid _____.

☐ B. An award of counsel fees and costs is reserved.

7. **MISCELLANEOUS PROVISIONS:**

☐ A. Neither party dispose of any estate except for usual and customary living or business expenses.

☐ B. The _____, Plaintiff _____, Defendant, _____ both parties are restrained and enjoined from harassing, molesting or attempting the same to the _____ and from making any threats or communicating any acts to cause each other bodily harm or fear of the same.

8. **OTHER PROVISIONS** _____:

ENTERED this _____ day of _____, 20____.

JUDGE

SEEN & _____

BY: _____

Name of Counsel for Complainant

Address

Phone Number

VSB #

Counsel for Complainant

SEEN & _____

BY: _____

Name of Counsel for Defendant

Address

Phone Number

VSB #

Counsel for Defendant